

**REMARKS/ARGUMENTS**

Claims 1-26 are pending in the application, with all claims being rejected. Applicant reserves the right to present these and other claims in this and in other applications.

The Examiner has rejected claims 1-9 and 17-26 under 35 U.S.C. § 112 as being indefinite (page 2, section 2). In response, these claims have been amended to address the Examiner's rejections. Because claims 17-26 are method claims, the term "above elements" has been amended to now recite "above steps". Accordingly, these rejections should now be withdrawn.

The Examiner has rejected claims 18, 21-22, and 25-26 under 37 C.F.R. § 1.75 (c) as being in improper dependent form (page 3, section 2). In response, these claims have been amended to address the Examiner's objections. Regarding the Examiner's assertion of inherency, applicant's specification explicitly states that "a presentation folder may be provided to accompany the article of jewelry, or may be provided after the sale" (page 7, lines 3-4). The specification also states that a "unique picture or graphic image . . . may be presented in several different stages of the purchasing and delivery process" (page 8, lines 3-5). Thus, the timing of the delivery of the presentation folder is not implied within claims 1 and 17, but is an important consideration of the retail process intentionally left to the discretion of the salesperson and customer. This is done in order to best maximize the romantic effect of the gift-giving process. Accordingly, these objections should now be withdrawn.

The Examiner has rejected all claims under 35 U.S.C. § 103 as being obvious in view of various combinations of prior art. In rejecting claims 1, 10, and 17, the Office Action states that the "Love" reference (USPN: 4,043,449) mentions "anniversary or birthday" and that such a recitation is sufficient to suggest the claimed "defined love story theme" (page 3, section 5). This rejection is respectfully traversed as insufficient and potentially based on a misreading of applicant's specification.

In response, independent claims 1, 10, and 17 (all independent claims) have been amended to now recite a display having a defined fabled love story theme from popular romantic literature (emphasis added). Support for such a proposed amendment appears at least on page 7, line 14; page 8, line 6, and the end of page 7 to the beginning of page 8. Thus, the independent claims now extend far outside the spectrum of mere "anniversary" or "birthday" occasions. None of the prior art references cited or applied by the Examiner even tangentially suggest or imply a display having a defined fabled love story theme from popular romantic literature.

In an exchange of e-mails on March 10, 2004, the Examiner suggested that the above claims, even including the above amendments, could be arrived at by routine experimentation. Applicant respectfully disagrees. The amount of effort required to obtain models, photograph, print, and set up displays, and market and correlate jewelry with specific excerpts from popular romantic literature would fall outside the scope of routine experimentation. There are many jewelry exhibits and many jewelry patents in existence. Thus, jewelry displays are a crowded, well-known area in which abundant references are available. However, none of these references or patents mention or even suggest marketing of jewelry with specific excerpts from popular romantic

literature. If it the above combinations were merely routine experimentation, the Examiner should be able to produce a reference supporting such a combination. Instead, Applicant suggests that such an inductive leap would be far beyond one of ordinary skill in the jewelry marketing art and could only be arrived at using impermissible hindsight.

In light of the above, all claims should now be allowable, either on their own merits or for depending from allowable claims. The Examiner's timely consideration is respectfully requested.

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Respectfully submitted,

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